

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FG SRC LLC,

Plaintiff,

V.

XILINX, INC.

Defendant.

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Civil Action No. 20-00601-WCB

ORDER

On March 28, 2022, defendant Xilinx, Inc., filed a motion for a protective order. Dkt. No. 133. Xilinx requested that the court prohibit plaintiff FG SRC LLC (“SRC”) from serving any additional third-party subpoenas on Xilinx’s customers and to order SRC “to withdraw any subpoenas for which it cannot demonstrate a concrete basis for an alleged belief that the customer practices the asserted patent.” Dkt. No. 133 at 1. In a letter accompanying the motion, Xilinx asked that the briefing of the motion be expedited. Dkt. No. 135.

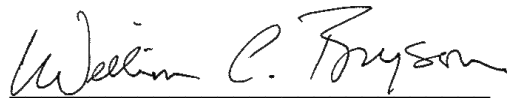
The request to expedite the briefing of the motion is granted. SRC's response to the motion for a protective order will be due by 5 p.m. Eastern Time on Monday, April 4, 2022, and any reply by Xilinx will be due by 5 p.m. Eastern Time on Wednesday, April 6, 2022. The page limitations on the parties' submissions will be governed by Rule 7.1.3(a)(4) of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware.

In its response, SRC should set forth (1) any evidence that SRC has that particular third parties are, or have been directly infringing the asserted patent, U.S. Pat. No. 9,153,311 (“the ‘311 patent”); (2) any evidence that Xilinx has induced infringement of the ‘311 patent by particular

third parties, and which third parties have been so induced; and (3) any other particularized reason to believe that the matters sought through the subpoenas directed to third parties are “relevant to any party’s claim or defense and proportional to the needs of the case.” Fed. R. Civ. P. 26(b). Both SRC and Xilinx, in their respective further filings, should provide the court with any available case law authority (beyond that already cited in Xilinx’s opening brief) relevant to their positions regarding the third-party subpoenas.

IT IS SO ORDERED.

SIGNED this 29th day of March, 2022.

A handwritten signature in black ink, reading "William C. Bryson", written over a horizontal line.

WILLIAM C. BRYSON
UNITED STATES CIRCUIT JUDGE